

page 16, lines 12-13 (ruthenium complex of sensor), and Example 1. Thus, support is found in Applicant's original disclosure for the claims.

Applicant respectfully submits that the conclusion in the Office Action, stating that no relationship has been shown regarding the criticality of the claimed combination, is inappropriate when assessing the issue of written description. Rather, the claimed features are disclosed in the present specification, thus support is found that Applicant was in possession of the claimed invention.

Moreover, the specification indeed explains the advantageous effect that the measurement can be carried out correctly with no increase in background current in a combination of a transparent container, or a container that is transparent only in its bottom part, and the particular Ru complex (see e.g. Example 1). Applicant has found an advantageous effect based on the combination of the transparent container and the sensor as claimed. While the application as filed describes other sensors, the application clearly describes the particular sensor and container combination, and their advantageous effect. Thus, Applicant indeed was in possession of the claimed invention at the time the application was filed.

Favorable reconsideration and withdrawal of the rejection are respectfully requested.

Claims 10, 13, 16-17, 19-22 and 30-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 2001141686 in view of Stewart et al. (US 4,589,547). Applicant respectfully requests reconsideration of the rejection.

Claims 10 and 22 provide an unexpected advantageous effect, and therefore claims 10 and 22 and their respective dependents are not obvious.

The Office Action alleges that the claimed container and sensor combination do not provide any new or unexpected result (page 8 of the Office Action). Applicant respectfully disagrees, as it has been shown in the present specification that the claimed particular combination of container and sensor exhibit no increase in background current even when the sensor is allowed to stand for a long period of time, and the measurement can be carried out correctly with reduced errors and variation in measured values. See e.g. Tables 2-5 and explanation at page 18 of the present specification.

Indeed, the cited references neither describe, nor suggest the combination of the container and the sensor of claims 10 and 22, nor the benefits that can be obtained thereby. Further, there is no motivation to one of skill in the art to make the combination as claimed. Even if the container and the sensor may have been known as independent elements, which Applicant does not concede, there is suggestion or motivation to select and combine them as in Applicant's claims 10 and 22. For at least the foregoing reasons, Applicant respectfully submits that claims 10 and 22, as well as their respective dependents, are not obvious over the references cited and provide unexpected advantageous effects.

Favorable reconsideration and withdrawal of the rejection are respectfully requested.

Claims 10, 13, 16, 19-22, 30, 31, and 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 2001141686 in view of Stewart et al. (US 4,589,547), the article to Morris, Feldman et al. (US 6,461,496), and Karinka et al. (US 7,501,053). Applicant respectfully requests reconsideration of the rejection.

As discussed above, claims 10 and 22 provide an unexpected advantageous effect, and therefore claims 10 and 22 and their respective dependents are not obvious. The cited references neither describe, nor suggest the combination of the container and the sensor of claims 10 and 22, nor the benefits that can be obtained thereby. Further, there is no motivation to one of skill in the art to make the combination as claimed. Even if the container and the sensor may have been known as independent elements, which Applicant does not concede, there is suggestion or motivation to select and combine them as in Applicant's claims 10 and 22. For at least the foregoing reasons, Applicant respectfully submits that claims 10 and 22, as well as their respective dependents, are not obvious over the references cited and provide unexpected advantageous effects.

Favorable reconsideration and withdrawal of the rejection are respectfully requested.

Claims 11 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 10 above, and further in view of either one of Yamamoto et al. (US 4,889,229) and Swain (US 3,139,976). Applicant respectfully requests reconsideration of the rejection.

Claims 11 and 29 respectively depend upon and further limit claims 10 and 22. Claims 10 and 22 have been distinguished above, and Yamamoto et al. and Swain do not remedy the deficiencies of the other cited references. Thus, claims 11 and 29 are patentable for at least the same reasons as claims 10 and 22.

Favorable reconsideration and withdrawal of the rejection are respectfully requested.

Claims 17 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art of paragraph 6 above as applied to claims 10 and 22 above, and further in view of either one of Blackburn et al. (US 6,761,816) and Cozzette et al. (US 5,200,051). Applicant respectfully requests reconsideration of the rejection.

Claims 17 and 32 respectively depend upon and further limit claims 10 and 22. Claims 10 and 22 have been distinguished above, and Yamamoto et al. and Swain do not remedy the deficiencies of the other cited references. Thus, claims 17 and 32 are patentable for at least the same reasons as claims 10 and 22.

Favorable reconsideration and withdrawal of the rejection are respectfully requested.

Regarding the comments at page 10 of the Office Action in Item 9, comments are provided that if Applicant finds the sensor to be inventive, the applicant should claim as such. However, Applicant respectfully notes that what is claimed is the combination of a container and sensor, which is inventive and patentable, and the combination has generally been claimed throughout the prosecution of this application. While amendment has been made to further specify the combination, Applicant disagrees that the combination is not inventive, or that the combination has not been claimed throughout the pendency of the application.

In view of the above amendments and remarks, Applicant respectfully requests favorable reconsideration of this application in the form of a Notice of Allowance. If any questions arise regarding this communication, the Examiner is invited to contact Applicant's representative listed below.



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Respectfully submitted,

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